

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Sevan Gorginian (SBN 298986) Law Office of Sevan Gorginian 450 N. Brand Boulevard, Suite 600 Glendale, CA 91203 Tel. 818.928.4445 Fax. 818.928.4450 Email. sevan@gorginianlaw.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Secured Creditors / Movant</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</p>	
<p>In re:</p> <p>RAYMOND RIVERA</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 2:22-bk-13703-WB</p> <p>CHAPTER: 13</p> <p style="text-align: center;">APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]</p>

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:
 - a. Title of motion: Motion for relief from stay (real property)
 - b. Date of filing of motion: 07/07/2022
2. Compliance with LBR 9075-1(b)(2)(A): (***The following three sections must be completed***):
 - a. Briefly specify the relief requested in the motion:

Movant seeks a hearing date on July 12, 2022 at 10:00 a.m. to foreclose on Debtor's property. Debtor's prior Chapter 13 case was dismissed on June 30, 2022 [Case 21-17548]. The foreclosure sale was scheduled for June 7, 2022. Debtor filed this case in bad faith the day before the scheduled sale. Debtor's prior chapter 13 case lasted over 9 months delaying the Movant's right to foreclose. Movant is resetting the sale date to July 14, 2022. Movant's prior chapter 13 case caused the Movant's "Notice of Sale" to expire on July 15th. Thus, the sale must occur by no later than July 14th, which necessitates relief from stay on shortened notice and be heard on July 12, 2022.

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

- b. Identify the parties affected by the relief requested in the motion:

Secured Creditors (Movant): Artour Arakelian, Joseph Aslanyan and Jaqueline Chibarian

Debtor Raymond Rivera

- c. State the reasons necessitating a hearing on shortened time:

Debtor has caused significant delay in Movant's efforts to foreclose on the property during his prior Ch. 13 case (21-17548). The loan was due and payable before his prior case (21-17548). Debtor's previous case was dismissed less than a week ago (6/30/2022) for the reasons stated on the record (i.e. undue delay). The prior case dragged on for over 9 months with constant gamemanship and delay. After his previous case was dismissed, and a day before the Movant's foreclosure sale date, Debtor filed this case in bad faith to stall foreclosure the day before the scheduled sale on July 7, 2022. Movant's Notice of Sale expires July 15, 2022 and the sale is going to be scheduled for July 14, 2022. Debtor is very familiar with the facts and relief requested because the motion for relief as it is the same basis in the prior motion for relief in his prior case. Cause exists to grant the Application & hear the motion on shortened notice.

3. Compliance with LBR 9075-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory form F 9075-1.1.ORDER .SHORT.NOTICE

Date: 07/07/22

Law Office of Sevan Gorginian

Printed name of law firm

/s/ Sevan Gorginian

Signature of individual Movant or attorney for Movant

Sevan Gorginian

Printed name of individual Movant or attorney for Movant

Continued from (c)

Coincidentally, the motion for relief in the prior Chapter 13 case is scheduled to be heard on July 12, 2022 (calendar # 2). Debtor is very familiar with the relief that was requested in the prior motion and therefore will not be prejudiced by this motion on shortened time either because he knows what is happening and the consequences of his actions. Debtor listed the value of the Property at \$800,000, which is now underwater based on Secured Creditor's payoff amount of nearly \$801,000 (see motion for relief). There is no equity, the Debtor has no feasible plan, debtor filed a skeletal petition package and merely wants to delay the sale.

DECLARATION OF SEVAN GORGINIAN

I, Sevan Gorginian, declare as follows:

1. I am counsel to creditors in this case. I am over the age of 18 and have personal knowledge of the facts set above. My address is 450 N. Brand Blvd. Suite 600 Glendale, CA 91203. If called as a witness, I would competently testify thereto.

2. Cause exists to grant the Application to have the motion be heard on **July 12, 2022 at 10:00 a.m.**

3. This is the 2nd bankruptcy case of debtor in less than a week from the dismissal of his prior Chapter 13 case. I was intrinsically involved in the Debtor's prior Chapter 13 case on behalf of my clients. I had filed a motion for relief from stay and it was continued numerous times on representations from Debtor's former counsel that a sale of the property was imminent and my client would get paid in full. This turned into a several month delay. At the last confirmation hearing in the prior case, the Court denied confirmation and ordered the case be dismissed on June 30, 2022.

4. Cause exists to grant the Application to have this motion for relief be heard on shortened notice on July 12, 2022 at 10:00 a.m. because my client's Notice of Sale expires July 15, 2022. The Notice of Sale is good for 1 year and due to debtor's prior chapter 13 case, the sale was continued numerous times on false hope that the Debtor was going to sale the property to some buyer and payoff my client's claim. The Court dismissed the prior case on June 30, 2022 and my client had a new sale date of July 7, 2022. This case was filed on the eve of the sale in bad faith to stop the sale again.

5. My client has reset the sale date for July 14, 2022 and cause exists to grant the Application on shortened notice to have the hearing on July 12, 2022 at 10:00 a.m. to allow my client to sell the property before the Notice of Sale expires.

6. The Court is very familiar the facts of this Debtor based on his most recent case. My client should not be prejudiced any further than he has.

7. Coincidentally, my client's motion for relief from the prior case is scheduled to be heard on July 12, 2022 also (calendar # 2), which was continued from 12/7/2021. Debtor is readily familiar with the relief requested in my client's prior motion for relief and therefore will not be prejudiced by the urgency of this application on shortened time.

8. The motion for relief should be granted on basis of section 362(d)(1) because the Property is not insured, the property does not have equity based on Debtor's representations the value is \$800,000 and my client's claim is nearly \$801,000 now. Cause exists to grant the motion under section (d)(4) for multiple bankruptcies filed in bad faith to delay and hinder my client's sale of the property.

I declare under penalty of perjury the laws of the United States of America and the state of California that the above statements are true and correct. This declaration is executed on July 7, 2022, in Glendale, California.



Sevan Gorginian, Declarant

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

450 N. Brand Blvd. Suite 600 Glendale, CA 91203

A true and correct copy of the foregoing document entitled: **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 07-07-2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Nancy K. Curry TrusteeECFMail@gmail.com
United States Trustee ustpreion16.la.edu@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 07-07-2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Federal Ex Overnight

Raymond Rivera at 864 N. Maple Avenue, Montebello, CA 90640
U.S. Bankruptcy Court, Hon. Julia Brand, 255 E. Temple St. # 1382, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

07/07/22 Sevan Gorginian /s/ Sevan Gorginian
Date Printed Name Signature